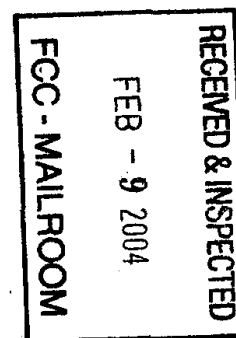


C4C203

**Federal Communications Commission
Washington, D.C. 20554**

February 5, 2004

Linda Davidson
2134 Oak Street, Unit C
Santa Monica, CA 90405



Re: Petition for Rule Making
North Sea, New York, Channel 233A

Dear Ms. Davidson:

This letter is in response to the Petition for Rule Making that you filed, requesting the allotment of FM Channel 233A at North Sea, New York, as that community's first local aural broadcast service.

Your request for the allotment of Channel 233A at North Sea, New York, is unacceptable. Our engineering analysis indicates that the site that you specify in your proposal (40-52-48 NL and 72-22-48 WL) is short-spaced to a channel proposed in an earlier, cut-off rulemaking proceeding. Specifically, your proposed site for Channel 233A at North Sea is 110 kilometers short-spaced to the reference coordinates of 40-54-39 and 72-20-29 for Channel 233A at Water Mill, New York, in MB Docket No. 03-44. Channel 233A at Water Mill was proposed by one of the parties to MB Docket 03-44 on April 11, 2003, the counterproposal deadline in that proceeding. Since your proposal to allot Channel 233A at North Sea was filed after the counterproposal deadline in MB Docket No. 03-44, it was not timely filed to be considered in that proceeding. See Section 1.420(d) of the Commission's Rules and the cut-off procedures set forth in the Appendix to the *Notice of Proposed Rule Making* in MB Docket No. 03-44, 18 FCC Rcd 2387 (2003).

Based on the above, we are returning your proposal for North Sea. You may resubmit the petition, provided that it meets the Commission's technical requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", written over a large, loopy flourish.

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

JUL 02 2003

Federal Communications Commission
Office of Secretary

In the matter of)
Amendment of Section 73.202 (b),) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations) RM- _____
(North Sea, New York))

PETITION FOR RULEMAKING

To the Chief, Allocations Branch:

Linda A. Davidson ("Petitioner") respectfully requests the Commission initiate a rulemaking proceeding for the purpose of considering amending Section 73.202(b) of the Commission's rules. In support whereof the following is stated:

2. Petitioner proposes the Commission allot FM channel 233A to North Sea, New York as its first local FM service. This would require amending Section 73.202(b) of the Commission's rules as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
North Sea, NY	-	233A

3. North Sea is a Census Designated Place located on Long Island, New York. It is located in Suffolk County. In 2000, the United States Census Bureau estimated that North Sea had a population of 4493 persons.

4. FM channel 233A can be assigned to North Sea in full compliance with the Commission's minimum distance separation requirements. This is illustrated in the attached spacing study. Coordinates used are N 40:52:48, W 72:22:48 and are located approximately 7 Km SE of North Sea. This site restriction is necessary to prevent a short spacing with station WYBC-FM, New Haven, CT. Petitioner is confident she can find a suitable transmitter site for channel 233A if it is allotted to North Sea.

5. Petitioner, or an entity with which she is affiliated, intends to apply for a construction permit to activate channel 233A if it is assigned to North Sea as proposed. If her application is granted, she shall promptly construct and operate the proposed station.

6. Petitioner hereby verifies and affirms that the statements given in this petition for rulemaking are hers, and are accurate to the best of her knowledge.

Respectfully submitted,

Linda A. Davidson

Linda A. Davidson
2134 Oak St., Unit C
Santa Monica, CA 90405
June 25, 2003

North Sea, NY 233A

FM spacing study channel 233A,
at: 40° 52' 48" Latitude, 72° 22' 48" Longitude

CHAN	FREQ	CALL	LOCATION		DIST	REQ	CLEAR
230B	93.9	WNYC-FM	NEW YORK	NY US	139	69	70
230B	93.9	WNYC-FM	NEW YORK	NY US	136	69	67
231A	94.1	WHJY	PROVIDENCE	RI US	135	69	66
232A	94.3	WJLK-FM	ASBURY PARK	NJ US	162	72	90
232A	94.3	WBPM	KINGSTON	NY US	176	72	104
232A	94.3	WYBC-FM	NEW HAVEN	CT US	72	72	0
232A	94.3	WMJC	SMITHTOWN	NY US	77	72	5
233B	94.5	WJMN	BOSTON	MA US	185	178	7
233B	94.5	WTHK	TRENTON	NJ US	223	178	45
233A	94.5	WRCZ	RAVENA	NY US	224	115	109
233B	94.5	WJMN	BOSTON	MA US	186	178	8
234B	94.7	WMAS-FM	SPRINGFIELD	MA US	138	113	25
234B	94.7	WFME	NEWARK	NJ US	158	113	45
235A	94.9	890921ND	MONTAUK	NY US	35	31	4
236B	95.1	WRKI	BROOKFIELD	CT US	111	69	42
287A	105.3	WXXP	CALVERTON-ROANOKE	NY US	33	5	28

Notes:

All distances are in kilometers.

Only stations clearing by less than 110 km are shown.

North Sea CDP
2000 pop 4493
First service

